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EXAMINER

NGUYEN, MAIKHANH

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID RAYMOND POSH and KURT RUSSELL TAYLOR

Appeal 2009-004502
Application 10/082,745
Technology Center 2100

Decided: May 4, 2010

Before JAMES D. THOMAS, ST. JOHN COURTENAY III, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

J. THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 2, 4 through 10, 12 through 18, and 20 through 24. Appellants have canceled claims 3, 11, and 19. We have jurisdiction under 35 U.S.C. §6 (b).

We affirm.

INVENTION

A user friendly display interface expedites the switching of positions of a pair of sections with each other in a displayed word processing document. (Abstract 16, ll. 5-7, Figures 4 through 7).

REPRESENTATIVE CLAIM

Below is reproduced independent claim 1:

1. A computer controlled user-interactive document editing display system comprising:

means for defining a first alphanumeric segment of displayed data in a displayed text document having continuous lines of text;

means for defining a second alphanumeric segment of displayed data in said displayed text document;

means enabling a user to select to directly swap said first segment with said second segment; and

means, responsive to said user selection to directly swap, for directly swapping the positions of said segments of data with each other in a single operation independently of separately identifying a new location for each of the one and another segments other than identifying each segment.

PRIOR ART AND EXAMINER'S REJECTIONS

The Examiner relies on the following references as evidence of anticipation and unpatentability:

Liu	US 5,706,449	Jan. 6, 1998
Higashio	US 5,900,869	May 4, 1999

Claims 1, 2, 4 through 7, 9, 10, 12 through 15, 17, 18, and 20 through 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Liu. Claims 8, 16, and 24 stand rejected under 35 U.S.C. §103 as being obvious over Liu in view of the Higashio.

CLAIM GROUPINGS

Based on Appellants' arguments in the Appeal Brief, independent claim 1 is considered representative of the subject matter of independent claims 1, 9, and 17. No dependent claim is argued within the first stated rejection under 35 U.S.C. § 102. Claim 8 is considered representative of the subject matter of claims 8, 16, and 24 within the second stated rejection under 35 U.S.C. § 103.

ISSUE

Has the Examiner erred by concluding that Liu teaches swapping two segments of alphanumeric text in a displayed document having continuous lines of text?

FINDINGS OF FACT

1. As revealed at the end of Liu's Abstract and in the last paragraph of the Summary of the Invention at column 3, Liu's list operations functionality permits an operator to swap alphanumeric (plural types of data)

data in columns. This is illustrated in figures 14 through 16. List control 46 in figure 14 identifies various columns 48 through 58 to include topic headings 60. Once the list control functionality is activated, pop ups are illustrated in the portions of figure 15 to include the swapping function. A comparison between figures 14 and 16 illustrates that two columns have been swapped. The list control functionality is described beginning at the middle of column 6. The portions of figure 15 illustrate a single operation swap capability. Swapping is described in this manner:

The swap operation enables the user to swap columns in the list control 46. In order to swap columns, the user selects "Swap" in the pop-up 64. The list control 46 then displays a list of columns with which the column whose heading was clicked can be swapped. The user then selects the desired column. After receiving the user's selection, the list control 46 swaps the two columns. FIG. 16 shows the window 44 after columns 56 and 58 have been swapped.

(Col. 7, lines 10 through 17).

As indicated in the last paragraph at column 7, Liu describes the ability of the list control function 46 to have the capability of editing the cells in any given column, such as that illustrated in figure 19.

2. Higashio's figures 1 and 9 illustrate the ability to switch the size of a selected image using the image switching function illustrated in figure 1. Figure 1 of Higashio illustrates the user's ability by means of a mouse to selectively position any given image. Higashio's system permits the user to do image editing.

ANALYSIS

Building upon the Examiner's analysis in the Answer, we agree with the Examiner's views that Liu teaches the capability of displaying text documents having continuous lines of text, contrary to the principal argument in the Brief and Reply Brief. This is justified by our findings in finding of fact 1. By means of the editing function in figure 19 of Liu, the user may edit the heading 60 or any cell of any column to include a plurality of lines of continuous text. Additionally, within a given column in figure 14 and in figure 16 of Liu, a person of ordinary skill in the art may consider any given column, from a vertical perspective, as comprising continuous lines of text, such as columns 50, 56, and 58 in figure 14. Appellants already admit at page 8 of the principal Brief and at page 2 of the Reply Brief that spreadsheet tables as in Liu may include text entries. Based on Liu's teachings, we do not agree with Appellants' views that a person of ordinary skill in the art would not consider Liu as not having the capability of entering continuous lines of text.

In contrast to Appellants' views, Appellants' Summary of their Invention at page 2 of the Specification as filed indicates at lines 21 through 28 that Appellants themselves consider their invention applicable to swapping data sections in spread sheet embodiments comparable to those in Liu.

We agree with Appellants' arguments at pages 3 and 4 of the Reply Brief that the Examiner improperly used an obvious -- type analysis in the context of an anticipation rejection with respect to the comments at page 8 of the Answer. We consider the Examiner's use of the word "obviously" as inadvertent since it appears to us that the Examiner was comparing a first

segment of text as column 50 in figure 14 of Liu and a second column 54 of text as a second segment of text in the same figure. Otherwise, the Examiner's views are consistent with our understanding of Liu's teachings as set forth earlier in this Opinion.

We therefore affirm the Examiner's rejection of representative independent claim 1 within the first stated rejection under 35 U.S.C. § 102.

We turn now to the second stated rejection of representative defendant claim 8 under 35 U.S.C. § 103. Appellants do not argue that Liu and Higashio are not properly combinable within 35 U.S.C. § 103. Claim 8 recites that a given segment further includes images. Taken alone, we recognize that Higashio may be construed, as Appellants do at page 10 of the principal Brief, as having the ability to switch only between a smaller version and a full screen version of the same image. As noted in our finding of fact 2, Higashio teaches the ability of a user to edit these images and to place them in different positions upon a display screen. Within Higashio, images are merely a type of data. Based upon the swapping of text capabilities within Liu, we agree with the Examiner's views that it would have been obvious for a person of ordinary skill in the art to include the ability to swap images as a type of data as shown in Higashio that may be included within any text segment or column or column cell within Liu.

CONCLUSIONS AND DECISION

Appellants have not shown that the Examiner erred in finding that Liu teaches the capability of displaying a document having continuous lines of text. We therefore affirm the Examiner's rejection under 35 U.S.C. § 102 of representative independent claim 1. Appellants have also not shown that the

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Examiner erred in concluding that the combination of Liu and Higashio teaches that a claim segment may include image -- type data. We therefore affirm the Examiner's rejection under 35 U.S.C. § 103 of representative claim 8 on appeal. All claims on appeal are unpatentable.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(iv).

AFFIRMED

rwk

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